THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 12427 of 2005

Date: 14.09.2005

Between:

1) K.Chandrasekhar Babu, s/o. Subramanyam,
r/o. near Old Government Hospital, Darsi Village
& mandal, Prakasam district & 4 others

…Petitioners

and

1) The Superintending Engineer, Irrigation Circle,
Ongole, Prakasam district & 6 others

…Respondents

ORDER:

Challenging the action of the respondents in insisting the petitioners to produce experience certificate for the works costing up to Rs. 50,00,000/- for issuance of tender schedule in respect of Tender Notice No.2/2005-06, dated 10.05.2005, contrary to G.O. Ms. No.142, Irrigation and CAD Department, dated 20.12.2004, the present Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation & C.A.D.

The law is well settled that the tender conditions can not normally be subjected to judicial scrutiny unless they are arbitrary or irrational or *ex facie* in contravention of any statutory provisions or Article 14 of the Constitution of India. The learned Government Pleader contended that the said condition was incorporated in view of the guidelines of the World Bank, with whose funds the works have been taken up, and so, the said condition equally applies to all the tenderers and there can not be any discrimination. There is absolutely no allegation that the said specification to produce the experience certificate was deliberately incorporated so as to eliminate some of the tenderers. Therefore, in the absence of any infringement of legal right of the petitioners or any arbitrary action on the part of the respondents, the relief in the Writ Petition can not be granted.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

---

(K.C.Bhanu, J.)

14.09.2005

DRK